

**BOARD OF ENVIRONMENTAL REVIEW  
AGENDA ITEM  
EXECUTIVE SUMMARY FOR RULE AMENDMENTS**

**AGENDA # II.B.1.**

**AGENDA ITEM SUMMARY** - The department requests approval of the notice of public hearing on proposed amendments to the administrative enforcement procedures under the Public Water Supply Law.

**LIST OF AFFECTED RULES** - ARM 17.38.602 and 17.38.603

**AFFECTED PARTIES SUMMARY** – Owners of public water systems and public sewer systems. Examples of these systems include cities, towns, water and sewer districts, subdivisions, mobile home parks, businesses and schools.

**SCOPE OF PROPOSED PROCEEDING** - The Department is requesting initiation of rulemaking and appointment of a hearing officer for a public hearing.

**BACKGROUND** – Several definitions in the rules are deleted or amended to update terminology and eliminate duplication. The procedures for issuance of a notice letter are clarified to conform with Section 75-6-110(2), MCA, which requires that a notice letter be sent unless the violation represents an imminent threat to human health or the environment. Cumbersome procedures for issuance of administrative orders are deleted. Proposed amendments clarify that the department may issue an order, without sending a violation letter, if the violation represents an imminent threat or is categorized as a Class I violation. The proposed amendments also state that if a violator fails to comply with the requirements of the violation letter, the department may issue an order. Compliance actions that may be included in an order are amended to include public sewage systems and to conform to existing rules and statutory language.

**HEARING INFORMATION** – No hearings have been held.

**BOARD OPTIONS** - The Board may:

1. Initiate rulemaking, appoint a presiding officer, and schedule a hearing;
2. Determine that the adoption of rules is not appropriate and decline to initiate rulemaking; or
3. Direct the Department to modify the rulemaking and proceed.

**DEQ RECOMMENDATION** - The Department recommends initiation of rulemaking and appointment of a hearing officer for a public hearing.

**ENCLOSURES** - Notice of public hearing on proposed amendment of ARM 17.38.602 and 17.38.603 pertaining to public water and sewage system requirements.